



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

June 11, 1953

Hon. Allan Shivers  
Governor of Texas  
Capitol Station  
Austin 11, Texas

Letter Opinion No. MS-61

Re: The effect of House Bill 274,  
53rd Legislature, an act pre-  
scribing the method for deter-  
mining the affiliated unit  
eligibility of school districts  
in counties declared to be in  
drought disaster areas.

Dear Governor:

You have requested the opinion of this office con-  
cerning the application and effect of House Bill 274, 53rd Leg-  
islature. The applicable section of the bill reads:

"Section 2. Provided that for the school year 1953-54, and any subsequent scholastic year as herein provided, that within any county which has been declared a disaster area by the President of the United States or his agent, as a result of long and continued drought, a school district which has suffered a loss in its scholastic population in excess of fifteen per cent (15%), to be determined by comparing its official scholastic population for the 1953-54 school year with its official scholastic population for the 1951-52 school year, may retain the same number of affiliated units as were earned on the basis of average daily attendance established in the school year 1951-52. Such district shall continue an affiliated unit eligibility at this determined level until such time as the county which has jurisdiction of the school district has been removed from the disaster list by the above designated Federal Agency, provided that in no event shall the eligibility of the district be reduced within a school year. Provided further, that for the ensuing school years after the county of jurisdiction of the school district has been removed from the drought list, the district will remain eligible for affiliated units based on the average daily

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attendance of the district established within the immediate preceding school year, as provided in the minimum Foundation Program Act. Provided further, that the provisions of this Act shall not create or add any professional units."

House Bill 274 provides that at any time the scholastic population within a school district decreases in excess of 15% and the President of the United States or his agent declares the county in which the school district is situated to be in a drought disaster area, then in such circumstances the school district may retain the same number of affiliated units as were earned on the basis of the average daily attendance established in the school year 1951-1952.

The term "affiliated unit" has long been accepted in the administration of school laws as meaning a unit of high school work which has been approved by the State Department of Education and which is acceptable by any college or university in Texas for admission thereto. The term "affiliated unit" is used in the same sense as "accredited unit." These units are never earned on a basis of average daily attendance. Therefore, House Bill 274 is not intended to apply to "affiliated units" as this term is understood in the administration of school laws. Further, since "professional units" are designated in this bill it is a necessary interpretation that "affiliated units" and "professional units" are not used synonymously.

Therefore, since House Bill 274 does not define the term "affiliated unit" and no other definition of this phrase is found in our school laws, we must hold it indefinite, uncertain and void for that reason. Ex Parte Halstead, 182 S.W. 2d 479 (Tex.Crim.1944). Lone Star Gas Co. v. Kelly, 140 Tex. 15, 165 S.W.2d 446 (1942).

Yours very truly,

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Attorney General

By  
Billy E. Lee  
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BEL:am:wb